

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Commission's Rules To Ensure)	CC Docket No. 94-102
Compatibility with Enhanced 911)	
Emergency Calling Systems)	

To: Federal Communications Commission

**Request for Partial Waiver of E911 Phase II Requirements for
BRK Wireless, Inc. (d/b/a/ Amica Wireless Phone Service, Inc.)**

BRK Wireless, Inc. (d/b/a Amica Wireless Phone Service, Inc.) (ABRK@), hereby requests a waiver of the Commission's E911 Phase II requirements for wireless carriers. In an earlier report to the Commission, BRK proposed to provide E911 Phase II Location Information through handset technology. BRK respectfully requests a partial waiver of the requirements to deploy Phase II capable handsets according to the timetable set forth in Section 20.18(g)(1)(i)-(iv) of the Commission's rules. 47 C.F.R. § 20.18 (2001). Specifically, BRK requests that the dates in the timetable be extended by six months.

I. Background of E911 Implementation

BRK is a small company, as defined by the Commission's Designated Entity rules, based in Illinois and holds fifteen (15) C and F Block PCS licenses in business trading areas of Iowa and central Illinois. The C Block licenses cover Mason City, Fort Dodge, Marshalltown, Ottumwa, and Burlington, Iowa and Galesburg, Peoria, and Danville, Illinois. The F Block licenses cover

Bloomington, Champaign, Springfield, Decatur, LaSalle, Mattoon, and Jacksonville, Illinois.

The licenses cover a population of nearly 2.5 million. BRK currently provides service in Bloomington, Champaign, Springfield, and Decatur, Illinois.

BRK is currently in the process of implementing E911 Phase I requirements in its service area. There are 15 different public safety answering points (PSAPs) from which it received requests for Phase I service. BRK projects that it will provide such service in February 2002. BRK has not received requests for E911 Phase II service.

II. Partial Waiver Request

BRK requests a partial waiver of the Commission's deadlines for deploying Phase II capable handsets in Section 20.18(g)(i)-(iv) such that the deadlines be extended for six months. If the extension is granted, the Commission's timetable for the deployment of handsets would read as follows:

1. By April 1, 2002, BRK should have begun selling and activating location-capable handsets;
2. By June 30, 2002, at least 25% of all new handsets activated must be location-capable;
3. By December 30, 2002, at least 50% of all new handsets activated must be location-capable;
4. By June 30, 2003, 100% of all new handsets activated must be location-capable...

III. Justification for the Partial Waiver

The Commission may waive its rules in a particular case if (1) the underlying purpose of the rules would not be served or would be frustrated by their literal application and the grant of the waiver would serve the public interest or (2) if unique or unusual facts or circumstances render the application of the rules inequitable, unduly burdensome or contrary to the public interest. 47 C.F.R.

BRK Wireless, Inc. (d/b/a Amica Wireless Telephone Company)
Petition for Partial Waiver of E911 Phase II Deployment Rules
December 5, 2001

Page 3

' 1.925 (2001). A waiver of Section 20.18(g)(i)-(iv) of the Commission's rules is justified in the instant case as unique circumstances make strict enforcement of the rules inequitable and contrary to the public interest.

Location capable handsets are not currently available in the market, which made it impossible for BRK to comply with the deadline to begin deploying handsets by October 1, 2001 and it cannot reach a 25% penetration level of location capable handsets amongst BRK's customers by December 31, 2001. Additionally, BRK, being a small company, has not been able to complete software upgrades to its switch to make it Phase II capable due to the lack of readily available funds. Finally, the PSAPs which have requested E911 service are not capable to accept the enhanced information. None of these PSAPs have requested Phase II service from BRK.

In this instance, the strict application of the Commission's handset deployment deadlines on BRK would be inequitable, as the equipment necessary to comply cannot be obtained and, even if it could, the PSAPs would not be able to utilize the enhanced 911 information.

BRK Wireless, Inc. (d/b/a Amica Wireless Telephone Company)
Petition for Partial Waiver of E911 Phase II Deployment Rules
December 5, 2001

Page 4

Conclusion

As BRK cannot comply with certain of the deadlines due to events outside of its control, it respectfully requests that the E911 Phase II handset deployment deadlines found in Section 20.18(g)(i)-(iv) of the Commission's rules be extended by six months.

Respectfully submitted,

By: /s/ Nathaniel Hardy
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December 5, 2001

DECLARATION OF ROBERT GEORGE

Robert George hereby declares as follows:

1. I am Secretary and Assistant Treasurer of BRK Wireless, Inc. and am authorized to make this declaration.
2. I have read the foregoing ARequest for Partial Waiver of E911 Phase II Requirements@ (AResult@).
3. The factual information in the Request is true and correct to the best of my knowledge and belief.
4. The Request accurately reflects the position of BRK Wireless, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 5, 2001

Robert George
Assistant Secretary/Assistant Treasurer